



Applicant's Docket No. 3053/102

PATENT

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Enns et al:

Application No.: 10/725,919

Group No.: 2666

Filed: December 2, 2003

Examiner: Ton, Dang T.

For: HIGH-SPEED INTERNET ACCESS SYSTEM

Mail Stop Amendment

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

TRANSMITTAL OF INFORMATION DISCLOSURE STATEMENT  
BEFORE MAILING DATE OF EITHER A FINAL ACTION  
OR NOTICE OF ALLOWANCE (37 C.F.R. § 1.97(c))

CERTIFICATION UNDER 37 C.F.R. ' 1.8(a) and 1.10\*

I hereby certify that, on the date shown below, this correspondence is being:

MAILING

☒ deposited with the United States Postal Service in an envelope addressed to Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

37 C.F.R. § 1.8(a)

☒ with sufficient postage as first class mail.

37 C.F.R. § 1.10\*

☒ as "Express Mail Post Office to Addressee"

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TRANSMISSION

☐ facsimile transmitted to the Patent and Trademark Office, (703) \_\_\_\_\_

Signature

Date: June 20, 2006

Jeffrey T. Klayman

(type or print name of person certifying)

\* Only the date of filing ( ' 1.6) will be the date used in a patent term adjustment calculation, although the date on any certificate of mailing or transmission under ' 1.8 continues to be taken into account in determining timeliness. See ' 1.703(f). Consider "Express Mail Post Office to Addressee" ( ' 1.10) or facsimile transmission ( ' 1.6(d)) for the reply to be accorded the earliest possible filing date for patent term adjustment calculations.

**TIME OF TRANSMITTAL OF ACCOMPANYING  
INFORMATION DISCLOSURE STATEMENT**

1. The information disclosure statement transmitted herewith is being filed *after* three months of the filing date of this national application or the date of entry of the national stage as set forth in Section 1.491 in an international application or after the mailing date of the first Office action on the merits, whichever event occurred last but *before* the mailing date of either

- (1) a final action under § 1.113 or
- (2) a notice of allowance under § 1.311

whichever occurs first.

**FEE**

2. Accompanying this transmittal is the fee for submission of an information disclosure statement under section 1.97(c). (\$180.00)

**FEE PAYMENT**

3. Applicant elects the option to pay the fee set forth in 37 C.F.R. § 1.17(p) for submission of an information disclosure statement under § 1.97(c) (\$180.00).

Fee due \$180.00


**METHOD OF PAYMENT OF FEE**

4. Attached is a check in the amount of \$180.00

Charge any additional fees required by this paper or credit any overpayment to Deposit Account No. 19-4972.

A duplicate of this paper is attached.

DATE: June 20, 2006

  
\_\_\_\_\_  
Jeffrey T. Klayman (Reg. No. 39,250)  
BROMBERG & SUNSTEIN LLP  
Customer Number 02101  
125 Summer Street  
Boston, MA 02110-1618  
US

03053/00102 489118.1



Practitioner's Docket No. 3053/102

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Re application of: Enns et al.

Application No.: 10/725,919

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INFORMATION DISCLOSURE STATEMENT

(Information Disclosure Statement--page 1 of 11)

CERTIFICATION UNDER 37 C.F.R. SECTIONS 1.8(a) and 1.10\*

(When using Express Mail, the Express Mail label number is **mandatory**;

Express Mail certification is optional.)

I hereby certify that, on the date shown below, this correspondence is being:

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☒ deposited with the United States Postal Service in an envelope addressed to Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

37 C.F.R. SECTION 1.8(a)

37 C.F.R. SECTION 1.10\*

☐ as "Express Mail Post Office to Addressee"

☒ with sufficient postage as first class mail.

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TRANSMISSION

☐ transmitted by facsimile to the Patent and Trademark Office.

Signature

Date: June 20, 2006

Jeffrey T. Klayman

**\*WARNING:** Each paper or fee filed by "Express Mail" **must** have the number of the "Express Mail" mailing label placed thereon prior to mailing. 37 C.F.R. section 1.10(b).

"Since the filing of correspondence under section 1.10 without the Express Mail mailing label thereon is an oversight that can be avoided by the exercise of reasonable care, requests for waiver of this requirement will not be granted on petition." Notice of Oct. 24, 1996, 60 Fed. Reg. 56,439, at 56,442.

**NOTE:** *"An information disclosure statement shall be considered by the Office if filed by the applicant:*

- (1) Within three months of the filing date of a national application;*
- (2) Within three months of the date of entry of the national stage as set forth in section 1.491 in an international application; or*
- (3) Before the mailing date of a first Office action on the merits, whichever event occurs last." 37 C.F.R. section 1.97(b).*

**NOTE:** *"Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section." 37 C.F.R. section 1.56(a).*

*"Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:*

- (1) each inventor named in the application;*
- (2) each attorney or agent who prepares or prosecutes the application; and*
- (3) every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application." 37 C.F.R. section 1.56(c).*

**NOTE:** *The "duty as described in section 1.56 will be met so long as the information in question was cited by the Office or submitted to the Office in the manner prescribed by sections 1.97(b) - (d) and 1.98 before issuance of the patent." Notice of January 9, 1992, 1135 O.G. 13-25 at 17.*

**WARNING:** *"No information disclosure statement may be filed in a provisional application." 37 C.F.R. section 1.51(b).*

### **List of Sections Forming Part of This Information Disclosure Statement**

The following sections are being submitted for this Information Disclosure Statement:

1. ☒ Preliminary Statements
2. ☒ Forms PTO/SB/08A and 08B (substitute for Form PTO-1449)
3. ☐ Statement as to Information Not Found in Patents or Publications
4. ☒ Identification of Prior Application in Which Listed Information Was Already Cited and for Which No Copies Are Submitted or Need Be Submitted
5. ☐ Cumulative Patents or Publications
6. ☒ Copies of Listed Information Items Accompanying This Statement
7. ☐ Concise Explanation of Non-English Language Listed Information Items
  - 7A. ☐ JEPO Search Report
  - 7B. ☐ English Language Version of EPO Search Report
8. ☐ Translation(s) of Non-English Language Documents
9. ☐ Concise Explanation of English Language Listed Information Items (Optional)
10. ☒ Identification of Person(s) Making This Information Disclosure Statement

**NOTE :** *"Once the minimum requirements are met, the examiner has an obligation to consider the information." Notice of April 20, 1992 (1138 O.G. 37-41, 37).*

## **Section 1. Preliminary statements**

Applicants submit herewith patents, publications or other information, of which they are aware that they believe may be material to the examination of this application, and in respect of which, there may be a duty to disclose.

The filing of this information disclosure statement shall not be construed as a representation that a search has been made (37 C.F.R. section 1.97(g)), an admission that the information cited is, or is considered to be, material to patentability, or that no other material information exists.

The filing of this information disclosure statement shall not be construed as an admission against interest in any manner. Notice of January 9, 1992, 1135 O.G. 13-25, at 25.



**SECTION 2. FORMS PTO/SB/08A and 08B (formerly Form PTO-1449)**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicants: Enns et al. Attorney Docket: 3053/102  
Serial No: 10/725,919 Art Group Unit: 2666  
Date Filed: December 2, 2003 Examiner Name: Ton, Dang T.  
Invention: HIGH-SPEED INTERNET ACCESS SYSTEM

**LIST OF PATENTS AND PUBLICATIONS FOR  
APPLICANT'S INFORMATION DISCLOSURE STATEMENT**

U.S. PATENT DOCUMENTS					
Examiner Initials	Reference Number	Document Number	Issue Date	Inventor	Class/Subclass
	AA	US 3,836,888	Sept. 17, 1974	Boenke et al.	340/172.5
	AB	US 3,859,596	Jan. 7, 1975	Jannery et al.	325/31
	AC	US 4,494,111	Jan. 15, 1985	Rocci et al.	340/533
	AD	US 4,498,169	Feb. 5, 1985	Rozmus	370/85
	AE	US 4,512,033	Apr. 16, 1985	Schrock	455/2
	AF	US 4,528,663	Jul. 9, 1985	Citta	370/94
	AG	US 4,633,462	Dec. 30, 1986	Stifle et al.	370/85
	AH	US 4,868,795	Sep. 19, 1989	McDavid et al.	367/77
	AI	US 5,155,590	Oct. 13, 1992	Beyers, II et al.	358/86
	AJ	US 5,488,413	Jan. 30, 1996	Elder et al.	348/13
	AK	US 5,524,113	June 4, 1996	Gaddis	370/60.1
	AL	US 5,563,883	Oct. 8, 1996	Cheng	370/73
	AM	US 5,586,121	Dec. 17, 1996	Moura et al.	370/404
	AN	US 5,648,958	Jul. 15, 1997	Counterman	370/458



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U.S. PATENT DOCUMENTS					
Examiner Initials	Reference Number	Document Number	Issue Date	Inventor	Class/Subclass
	AO	US 5,651,005	Jul. 22, 1997	Kwok et al.	370/399
	AP	US 5,675,732	Oct. 7, 1997	Majeti et al.	395/200.01
	AQ	US Re. 35,774	Apr. 21, 1998	Moura et al.	348/12
	AR	US 5,805,586	Sep. 8, 1998	Perreault et al.	370/346
	AS	US 5,818,845	Oct. 6, 1998	Moura et al.	370/449
	AT	US 5,828,655	Oct. 27, 1998	Moura et al.	370/236
	AU	US 5,859,852	Jan. 12, 1999	Moura et al.	370/449
	AV	US 5,864,672	Jan. 26, 1999	Bodeep et al.	395/200.48
	AW	US 5,889,963	Mar. 30, 1999	Gopal et al.	395/200.58
	AX	US 5,946,322	Aug. 31, 1999	Moura et al.	370/468
	AY	US 5,956,338	Sep. 21, 1999	Ghaibeh	370/395
	AZ	US 5,959,997	Sep. 28, 1999	Moura et al.	370/404
	BA	US 6,005,850	Dec. 21, 1999	Moura et al.	370/282
	BB	US 6,016,316	Jan. 18, 2000	Moura et al.	370/389
	BC	US 6,021,158	Feb. 1, 2000	Schurr et al.	375/211
	BD	US 6,104,727	Aug. 15, 2000	Moura et al.	370/468
	BE	US 6,111,887	Aug. 29, 2000	Daily et al.	370/449



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U.S. PATENT DOCUMENTS					
Examiner Initials	Reference Number	Document Number	Issue Date	Inventor	Class/Subclass
	BF	US 6,169,728	Jan. 2, 2001	Perreault et al.	370/235
	BG	US 6,272,150	Aug. 7, 2001	Hrastar et al.	370/486
	BH	US 6,275,497	Aug. 14, 2001	Varma et al.	370/431
	BI	US 6,411,606	Jun. 25, 2002	Moura et al.	370/282
	BJ	US 6,658,010	Dec. 2, 2003	Enns et al.	370/401
	BK	US 6,785,288	Aug. 31, 2004	Enns et al.	370/401
	BL	US 6,862,264	Mar. 1, 2005	Moura et al.	370/229
	BM	US 7,002,971	Feb. 21, 2006	Enns et al.	370/401

FOREIGN PATENT DOCUMENTS						
Examiner Initials	Reference Number	Country Code	Document Number	Publication Date	Patentee or Applicant	Class/Subclass
	BN	WO	96/17306	June 6, 1996	Laursen, et al.	G06F 15/16

OTHER DOCUMENTS			
Examiner Initials	Reference Number	Author	Title of Article, Title of Journal, Volume Number, Page Numbers, Date
	BO		<i>Networking 92</i> , 2 <sup>nd</sup> Annual PI Meeting, New Orleans, LA, Sep. 1-2, 1992.
	BP		<i>Networking '93</i> , 3 <sup>rd</sup> Annual Principal Investigators Meeting, Santa Rosa, CA, Aug. 31-Sep. 2, 1993.
	BQ	McNamara et al.	<i>MetroNet: An Overview of a CATV Regional Data Network</i> , NCTA 31 <sup>st</sup> Annual Convention & Exposition, Las Vegas, NV, May 3-5, 1982





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OTHER DOCUMENTS			
Examiner Initials	Reference Number	Author	Title of Article, Title of Journal, Volume Number, Page Numbers, Date
	BR	McGarty et al.	<i>Hybrid Cable and Telephone Computer Communications</i> , Compcon 83 Fall, Twenty-Fifth IEEE Computer Society International Conference, Arlington, VA.
	BS	McGinty	<i>Using Narrow Band Data Transmission as an Information Delivery System for CATV Applications</i> , Cable 86, Dallas, TX March 15-18, 1986, NCTA.
	BT	Feldmeir	<i>A High-Speed Packet-Switching Network for CATV Systems</i> , IEEE Transactions on Consumer Electronics, No. 3, Aug. 1985.
	BU	Roberts	<i>Aloha Packet System With and Without Slots and Capture</i> , Computer Communication Review, Vol. 5, No. 2, (Association for Computing Machinery), Apr. 1975.
	BV	Stanwyck	<i>A Reference Architecture for Enhanced CATV Networks, A Presentation to IEEE 802.6 CATV Access Protocol Study Group</i> , Mar. 7-11, 1994.
	BW		<i>Approved Minutes, Mar. '94, IEEE P902.6 Working Group, Metropolitan Area Networks</i> , West Palm Beach, FL, Nov. 7-11, 1993.
	BX	Baran	<i>On Distributed Communications Networks</i> , Reprinted from the IEEE Transaction of the Professional Technical Group on Communications Systems, Vol. CS-12, No. 1, Mar. 1964.
	BY	Sirazi et al.	<i>Two-Way Cable System Using Residential Facilities—NCTA Referred</i> , 1984 IEEE International Conference on Consumer Electronics, Jun. 6-8, 1984.
	BZ	Abramson	<i>THE ALOHA SYSTEM—Another Alternative for Computer Communications</i> , AFIPS Conference Proceedings, Vol. 37, 1970 Fall Joint Computer Conference, Houston, TX, Nov. 17-19, 1970, AFIPS Press, 210 Summit Avenue, Montvale, NJ 07645.
	CA	Estin	<i>Data Communications Via Cable Television Networks: Technical and Policy Considerations</i> , Massachusetts Institute of Technology Laboratory for Computer Science, May 1982.



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Art Group Unit: 2666

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Examiner Name: Ton, Dang T.

Invention: HIGH-SPEED INTERNET ACCESS SYSTEM

Examiner Signature: \_\_\_\_\_

Date Considered: \_\_\_\_\_

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation *if not* in conformance and not considered. Include copy of this form with next communication to applicant.



**Section 4. Identification of Prior Application in Which Listed Information Was Already Cited and for Which No Copies Are Submitted or Need Be Submitted**

**NOTE:** *"A copy of any patent, publication or other information listed in an information disclosure statement is not required to be provided if it was previously cited by or submitted to the Office in a prior application, provided that the prior application is properly identified in the statement and relied upon for an earlier filing date under 35 U.S.C. 120." 37 C.F.R. section 1.98(d).*

**WARNING:** *"This exception to the requirement for copies of information does not apply to information which was cited in an international application under the Patent Cooperation Treaty." Notice of April 20, 1992 (1138 O.G. 37-41, 38).*

**WARNING:** *"Information which is cited or submitted to the Office in the parent application of a file wrapper continuing application under 37 C.F.R. section 1.62 will be part of the file before the examiner and need not be resubmitted in the continuing application. Likewise, the examiner will consider information cited or submitted to the Office in a parent application when examining a continuing application and thus this information need not be resubmitted unless applicant desires the information to be printed on the patent." Notice of April 20, 1992 (1138 O.G. 37-41, 37).*

**WARNING:** *While a copy of a non-English language item of information need not be submitted, if it was previously submitted to, or cited by, the Office in a prior application, provided it is properly identified in this statement and this application relies on that earlier filing date under 35 U.S.C. 120, nevertheless, the requirement in section 1.98(a)(3) for a concise explanation of non-English language information would not be satisfied by a statement that a reference was cited in the prosecution of a parent application. The concise explanation must explain the relevance, as presently understood by the person designated in section 1.56(c) most knowledgeable about the content of the information. Notice of January 9, 1992, 1135 O.G. 13-25, at 20.*

**This application also relies, under 35 U.S.C. section 120, on the earlier filing date of prior application SN.: 08/899,883, filed on July 24, 1997 (3053/125).**

The following references were submitted to, and/or cited by, the Office in the prior application(s) and, therefore, are not required to be provided in this application:

**References AA-AJ, AL, AN-AP, AR, AV, AW, AY, BF, BH, and BO-CA.**

## Section 6. Copies of Listed Information Items Accompanying This Statement

*NOTE: 37 C.F.R. section 1.98(a)(2) requires that any information disclosure statement filed under section 1.97 shall include: "A legible copy of: (i) Each U.S. and foreign patent; (ii) Each publication or that portion which caused it to be listed; and (iii) All other information or that portion which caused it to be listed, except that no copy of a U.S. patent application need be included . . ."*

*NOTE: The wording in section 1.98(a)(2)(iii) makes it clear that the requirement to submit a copy of each item of information listed in an information disclosure statement does not apply to the citation of a U.S. patent application. Notice of January 9, 1992, 1135 O.G. 13-25, at 14.*

Legible copies of all items listed in Forms PTO/SB/08A and 08B (substitute for Form PTO-1449) accompany this information statement.

☒ Exception(s) to above:

**U.S. patent citations are not included pursuant to the United State Patent and Trademarks Office's September 21, 2004 waiver of the copy requirement in 37 CFR 1.98 for cited pending U.S. patent citations when the patent citations are available in the USPTO's IFW system.**

☒ Items in prior application, from which an earlier filing date is claimed for this application, as identified in Section 4.

**Copies of BO-CA are not provided because these references were previously cited in a prior application. See Section 4.**

☐ Cumulative patents or publications identified in Section 5.

**Section 10. Identification of Person(s) Making This Information Disclosure Statement**

The person making this certification is

*(check each applicable item)*

(a) ☐ the inventor(s) who signs below

\_\_\_\_\_  
**SIGNATURE OF INVENTOR**

\_\_\_\_\_  
*(type name of inventor who is signing)*

(b) ☐ an individual associated with the filing and prosecution of this application (37 C.F.R. section 1.56(c))

\_\_\_\_\_  
**SIGNATURE OF INVENTOR**

\_\_\_\_\_  
*(type name of inventor who is signing)*

(c) ☒ the practitioner who signs below on the basis of the information:

*(check each applicable item)*

☐ supplied by the inventor(s).

☐ supplied by an individual associated with the filing and prosecution of this application. (37 C.F.R. section 1.56(c)).

☒ in the practitioner's file.

Reg. No.: 39,250

Tel. No.: (617) 443-9292

Customer No.: 002101

03053/00102 489094.1

  
\_\_\_\_\_  
**SIGNATURE OF PRACTITIONER**

\_\_\_\_\_  
**Jeffrey T. Klayman**  
*(type or print name of practitioner)*

\_\_\_\_\_  
**125 Summer Street, 11<sup>th</sup> Floor**  
P.O. Address

\_\_\_\_\_  
**Boston, MA 02110-1618**